

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE, AND  
AGRICULTURAL WORKERS OF  
AMERICA,

Plaintiff,

v.

Case No. 10-11366  
HON. AVERN COHN

GENERAL MOTORS, LLC,

Defendant.

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**ORDER REQUIRING SUPPLEMENTAL FILING REGARDING THE PENDING CROSS  
MOTIONS FOR SUMMARY JUDGMENT (Docs. 33, 40)**

This is a contract dispute relating to a \$450 million payment to pay for retiree medical benefits. Plaintiff, the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (“UAW”) is suing General Motors, LLC (“GM” or “New GM”) under § 301 of the Labor Management Relations Act, 29 U.S.C. § 185. The UAW claims that GM is in breach of an obligation under a June 22, 2007 Memorandum of Understanding (“MOU”) between the plaintiff, Old GM, and Delphi Corporation (“Delphi”) to make a \$450 million payment to a voluntary employee’s beneficiary association known as the DC VEBA.

Before the Court are the parties’s cross motions for summary judgment. The parties disagree on whether GM assumed Old GM’s obligation under the MOU. The parties also dispute whether, if GM assumed Old GM’s obligation, certain conditions precedent have been satisfied.

After carefully reviewed the parties' papers and the record, it appears that whether or not GM agreed to be bound by the terms of the MOU depends on the events which occurred from September 26, 2008 (the date of the Implementation Agreement between Delphi, UAW, and Old GM) to July 5, 2009 (the date of the approval of the § 363 sale of Old GM).

To this end, the UAW shall file the following within 20 days:

1. A Supplemental Statement of Material Facts of the relevant events from September 26, 2008 to July 5, 2009.
2. Each material fact shall be supported by a citation to the record (supplemented if not currently in the record), which may include correspondence, documents, deposition testimony, or Court transcripts.
3. The citations to the record shall be submitted in hard copy in a notebook, separately tabbed.

GM shall respond to the Supplemental Statement within 10 days. If GM includes additional statements of material facts, each statement shall be supported by a record citation. The citations shall be provided to the Court in hard copy as described above.

SO ORDERED.

S/Avern Cohn  
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2013

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 31, 2013, by electronic and/or ordinary mail.

S/Sakne Chami  
Case Manager, (313) 234-5160